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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,109	08/30/2001	Shannon M. Short	36968-259630 (BS01158)	9813

23552 7590 11/30/2006

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EXAMINER
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GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/943,109

**Applicant(s)**

SHORT, SHANNON M.

**Examiner**

Gerald Gauthier

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 23-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. The affidavits filed on August 24, 2005 under 37 CFR 1.131 is sufficient to overcome the Bhogal reference.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim(s) 1-22** are rejected under 35 U.S.C. 102(b) as being anticipated by Hillson et al. (US 6,094,644).

Regarding **claim(s) 1**, Hillson discloses a method for tracking telephone plan minute status (column 1, lines 7-10), comprising:

initializing a first timer, having timer information, including a time block designation and a timer usage variable, associated therewith (column 12, lines 24-31);

adding the time used by a call to the timer usage variable if the call was made within the time block designation associated with the first timer (column 12, lines 32-39);  
and

notifying a user of predefined timer information (column 12, lines 40-50).

Regarding **claim(s) 2**, Hillson discloses a method, further comprising: initializing a second timer, having timer information, including a second time block designation and a second timer usage variable, associated therewith (column 13, lines 46-54).

Regarding **claim(s) 3 and 18**, Hillson discloses a method, wherein the predefined timer information includes a value associated with the timer usage variable (column 13, lines 46-54).

Regarding **claim(s) 4 and 19**, Hillson discloses a method, wherein the predefined timer information includes time limits associated with the time block designation (column 13, lines 46-54).

Regarding **claim(s) 5 and 20**, Hillson discloses a method, wherein the predefined timer information includes the time limits minus a value of the timer usage variable (column 13, lines 46-54).

Regarding **claim(s) 6**, Hillson discloses a method, further comprising: receiving from the user time block information to initialize a timer (column 13, lines 46-54)

Regarding **claim(s) 7**, Hillson discloses a method, further comprising: setting each time block designation associated with each timer based on a time block defined by a calling plan structure (column 13, lines 46-54).

Regarding **claim(s) 8**, Hillson discloses a method, wherein each time block designation associated with each timer comprises at least one beginning time and at least one ending time (column 12, lines 24-31).

Regarding **claim(s) 9**, Hillson discloses a method, wherein each time block designation associated with each timer comprises at least one beginning date and at least one beginning time and at least one ending date and at least one ending time (column 12, lines 24-31).

Regarding **claim(s) 10**, Hillson discloses a method, further comprising: resetting the timer usage variable (column 13, lines 46-54).

Regarding **claim(s) 11**, Hillson discloses a method, further comprising: resetting the timer usage variable periodically (column 13, lines 46-54).

Regarding **claim(s) 12**, Hillson discloses a method, wherein said notifying further comprises: sending an electronic message to the user (column 13, lines 46-54).

Regarding **claim(s) 13**, Hillson discloses a method, wherein said notifying further comprises: transmitting timer information on a computer network to the user (column 13, lines 46-54).

Regarding **claim(s) 14**, Hillson discloses a method, wherein said notifying further comprises: receiving a user request for timer information through a voice mail system; and transmitting timer information to said the user through the voice mail system (column 13, lines 46-54).

Regarding **claim(s) 15 and 21**, Hillson discloses a method, further comprising protecting the predefined timer information with a user password (column 13, lines 46-54).

Regarding **claim(s) 16 and 22**, Hillson discloses a method, further comprising charging a fee to access the predefined timer information (column 12, lines 24-31).

Regarding **claim(s) 17**, Hillson discloses a system for tracking telephone plan minute status (column 1, lines 7-10), comprising:

a computer (19 on FIG. 4); and

a software program loaded onto said computer configured to:

initiate a timer, wherein the timer has information, including a time block designation and a timer usage variable, associated therewith (column 12, lines 24-31);

add time used by a call to the timer usage variable if the call was made within the time block designation associated with the timer and notify a user of predefined timer information (column 12, lines 32-50).

### ***Response to Arguments***

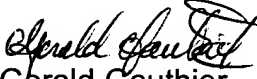
4. Applicant's arguments with respect to **claim(s) 1-22** have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gerald Gauthier  
Primary Examiner  
Art Unit 2614

GG